



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 22 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Long, Plant Manager
Ameriwood Industries Inc.
202 Spaulding Street
Dowagiac, Michigan 49047

Re: Notice of Violation
Ameriwood Industries Inc.
Dowagiac, Michigan

Dear Mr. Long:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Ameriwood Industries Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Michigan State Implementation Plan at your Dowagiac, Michigan facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit information to us in response to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. An attorney may represent you at this conference.

The EPA contacts in this matter are Molly Smith, (312) 353-8773, and Victoria Nelson, (312) 886-9481. You may call either to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Amanda Chapel, Michigan Department of Environmental Quality

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by EPA, the plan becomes part of the applicable SIP for the state.
2. On June 1, 2006, EPA approved Rule 336.1301 of the Michigan Administrative Code as part of the federally enforceable SIP for Michigan. 71 Fed. Reg. 31093.
3. On February 24, 2003, EPA approved the Michigan SIP requirement at Rule 336.1105, Definitions, as part of the federally approved Michigan SIP (effective April 25, 2003). 68 Fed. Reg. 8550.
4. On June 11, 1992, EPA approved Rules 336.1101, 336.1116, and 336.1119 of the Michigan Administrative Code as part of the federally enforceable Michigan SIP. 57 Fed. Reg. 24752.
5. Michigan Rules 336.1101, 336.1116, and 336.1119 provide the following definitions for Michigan's air pollution control rules:
 - a) "Person" means any of the following: (i) An individual person; . . . (vii) Firm; . . . (ix) Company; (x) Corporation
Rule 336.1116(h).
 - b) "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.
Rule 336.1116(r).

- c) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof.
Rule 336.1101(f).
 - d) "Stationary source" means all buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity.
Rule 336.1119(r).
- 6. On May 6, 1980, EPA approved Rule 336.1201 of the Michigan Administrative code as part of the federally approved Michigan SIP. 45 Fed. Reg. (May 6, 1980).
 - 7. Michigan Rule 336.1201(3) provides that "A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements."
 - 8. On June 1, 2006, EPA approved Rule 336.1301, Emission Limitations and Prohibitions – Particulate Matter, as part of the federally approved Michigan SIP (effective July 3, 2006). 71 Fed. Reg. 31093.
 - 9. Michigan Rule 336.1301 provides that "a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the most stringent of the following: (a) a 6-minute average of 20% opacity, except for 1 6-minute average per hour of not more than 27% opacity."
 - 10. The Michigan Department of Environmental Quality (MDEQ) issued Permit Number 172-96 (Permit) to Ameriwood effective January 2, 1997.
 - 11. Special Condition Number 13 of the Permit states, "Visible emissions from the wood-fired boiler when firing wood, plywood, chipboard, and particleboard, hereinafter referred to as 'new boiler' shall not exceed a 6-minute average of 20% opacity, except as specified in Rule 301(1)(a)."
 - 12. Special Condition Number 23 of the Permit states, "Applicant shall not burn any wood, wood residue, or wood waste which is painted or treated with wood preservatives; MDI resin woodboards (such as plywood, chipboard, waferboard, and particleboard); or other waste materials, except for materials such as wood, wood residue, sawdust, sander dust, hogged wood, wood skids, plywood, chipboard, waferboard, and particleboard." The exception in Special Condition Number 23 does not allow burning of waste materials that have been covered with dyed paper using adhesives.

Ameriwood's Facility

13. Ameriwood owns and operates a wood-fired boiler at the 202 Spaulding Street, Dowagiac, Michigan ("facility").
14. Ameriwood covers wood, hogged wood, plywood, chipboard, waferboard, and/or particleboard with various dyed papers and coverings using adhesives.
15. A portion of the wood, hogged wood, plywood, chipboard, waferboard, and particleboard covered with dyed paper using adhesives are used as fuel in the facility's wood-fired boiler.
16. Emissions from the boiler are subject to Rule 336.1301 of the Michigan SIP, Permit Special Condition Number 13, and Permit Special Condition Number 23.
17. EPA inspected the facility on March 28, 2017.
18. EPA conducted visible emissions readings in accordance with EPA Alternative Method 082 on March 28, 2017. For a complete copy of the readings see Attachment 1.

Violations

19. Ameriwood was in violation of Rule 336.1301 of the Michigan SIP at the following times, during which visible emissions from the boiler were more dense than allowed:

Table 1: EPA Alternative Method 082 Results from March 28, 2017

Time	Average Opacity Reading
2:13:30 PM to 2:19:15 PM EST	41.46%
2:19:30 PM to 2:25:15 PM EST	36.25%
2:25:30 PM to 2:31:15 PM EST	40.83%
2:31:30 PM to 2:37:15 PM EST	35.00%
2:37:30 PM to 2:43:15 PM EST	33.96%
2:43:30 PM to 2:49:15 PM EST	40.21%

20. Ameriwood is in violation of Permit Special Condition Number 23, because the facility routinely burns "other waste materials" including wood, hogged wood, plywood, chipboard, waferboard, and particleboard covered with dyed paper using adhesives in the wood-fired boiler.

Environmental Impact of Violations

21. These violations have caused or can cause excess emissions of particulate matter. Particulate matter, especially fine particulates, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Date

6/22/17

Edward Nam

Director

Air and Radiation Division

Attachment 1

VISIBLE EMISSION OBSERVATION FORM

Method Used Total Average		
Equipment Owner Molly Smith		
Facility Name Ameriwood Industries		
EO Street Address 202 Spaulding Street		
EO City Dowagiac Street	EO State MI	EO Zip 49047

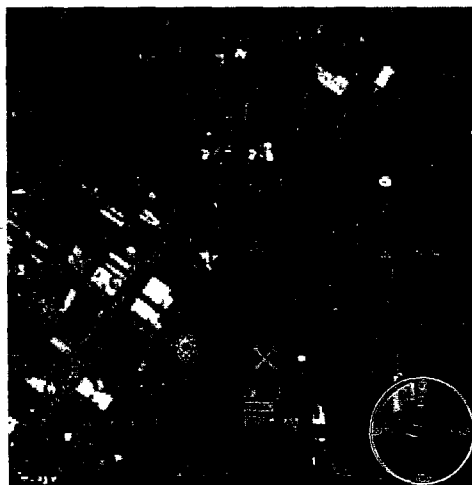
Process N/A	Unit N/A	Operating Mode N/A
Control Equipment N/A	Operating Mode N/A	

Describe Emission Point Main wood boiler stack			
Height of Emiss. Pt. Start 140 End Same		Height of Emiss. Pt. Rel. to Observer Start 136 End Same	
Distance to Emiss. Pt. Start 475.76 End Same		Direction to Emiss. Pt. (Degrees) Start 164.62 End Same	

Vertical Angle to Obs. Pt. Start 1.46 End Same		Direction to Obs. Pt. Start 166.03 End Same	
Distance and Direction to Observation Point from Emission Point Start 28.32 / 170.64 End Same			

Describe Emissions Dark smoke, no emisison			
Start controls Start White End Same		End Same	
Emission Color Start White End Same		Water Droplet Plume Attached: (X) Detached: () N/A: ()	

Describe Plume Background The entire sky was completely overcast the whole reading. We did not consider sun compliance due to the complete cloud			
Start cover. Start Gray End Same		End Same	
Background Color Start Gray End Same		Sky Conditions Start Overcast End Same	
Wind Speed Start 18 End Same		Wind Direction Start 100 End Same	
Ambient Temp. Start 33 End Same	Wet Bulb Temp. Start 35 End Same	RH Percent Start 76 End Same	



Longitude 086.06.25.929 W	Latitude 41.58.58.992 N	Declination
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Notes Molly Smith - contact (smith.molly@epa.gov or 312-353-8773). **Camera was set to Central time, though we were in the Eastern time zone.
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Form Number	Page	Of
Continued on VEO Form Number		

Observation Date 3/28/2017	Time Zone CST	Start Time 13:05:08	End Time 13:50:09
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	Opacity	Comments
1	25	
2	30	
3	25	Avg. Opacity = 37.616
4	30	
5	35	
6	35	
7	35	
8	30	
9	30	
10	35	
11	35	
12	35	
13	35	
14	65	
15	35	
16	35	
17	35	
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20	25	
21	35	
22	25	
23	35	
24	35	
25	65	
26	55	
27	55	
28	60	
29	55	
30	55	
31	55	
32	35	

Observers Name (Print) Observer One	
Observers Signature Observer One	Date 3/30/2017
Organization USEPA Region 5	
Certified By Charles Hall	Date 4/18/2017

CERTIFICATE OF MAILING

I certify that I sent a Notice of Violation, No. EPA-5-17-MI-02, by Certified Mail, Return

Receipt Requested, to:


Steve Long, Plant Manager
Ameriwood Industries Inc.
202 Spaulding Street
Dowagiac, Michigan 49047

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Mary Douglas, Manager
Kalamazoo District Office
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, Michigan 49009

Amanda Chapel, Inspector
Kalamazoo District Office
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, Michigan 49009

On the 23rd day of June 2017.


for Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 0285

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills -

<http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entiv-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.